



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007

MEMO ENDORSED

November 13, 2007

**VIA HAND DELIVERY**

The Honorable Colleen McMahon  
United States District Judge  
Southern District of New York  
500 Pearl St., Room 640  
New York, NY 10007

Re: Spinale v. Mitchell  
07 Civ. 8760 (CM)

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/15/07
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Dear Judge McMahon:

This Office appears on behalf of Defendants Lindsay Mitchell and Daniel Favale, Inspectors with the United States Department of Agriculture, in the above-referenced action. The Government has been in contact with Plaintiff's counsel regarding the claims alleged in this action, which the Government believes raise similar legal issues already decided in *Spinale v. United States Department of Agriculture*, No. 05 Civ. 9294 (KMW), 2007 WL 747803 (S.D.N.Y. March 8, 2007). Plaintiff's counsel is considering withdrawing the current action, but would like until December 15, 2007, to discuss the matter with her client and to discuss a possible resolution with the Government without the need for further litigation.

The Government therefore requests an extension of its time to respond to the Complaint until December 15, 2007. This is the Government's second request for an extension. Plaintiff's counsel has no objection to the request, and, in fact, requests until December 15, 2007, to accommodate scheduling conflicts with other cases.

I thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA  
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Southern District of New York

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